

Agency ORI # <b>NY0080000</b>	Chenango County Sheriff's Office 279 COUNTY RD 46 , NORWICH, NY, 13815	AGENCY REPORT NUMBER <b>2014-002003</b> COURT DOCKET NUMBER
Phone <b>(607) 3342000</b>	<b>COMPLAINT ARREST AFFIDAVIT</b>	

Agency ORI Number: <b>NY0080000</b>	Agency Name: <b>CHENANGO COUNTY SHERIFF'S OFFICE</b>	Agency Report Number <b>2014-002003</b>						
Reported: Day <b>SATURDAY</b>	Date <b>08/09/2014</b>	Time(mil) <b>16:46</b>	Time Dispatched (mil) <b>16:46</b>	Time Arrived (mil) <b>16:46</b>	Time Completed (mil) <b>16:46</b>			
Arrest: Day <b>SATURDAY</b>	Date <b>08/09/2014</b>	Time(mil) <b>17:00</b>	Arrested? <b>YES</b>	NCIC Check? <b>NO</b>	OBTS#: <b>66750160L</b>	Arrest# <b>2014-2003</b>		
Booked: Day <b>SATURDAY</b>	Date <b>08/09/2014</b>	Time(mil) <b>20:30</b>	Court Case Number:	Bond Amount: <b>1,000.00</b>	Bond Type <b>Cash</b>	Appearance Ticket Issued <b>NO</b>		
Arrest Location <b>STATE HWY 8</b>	City <b>NEW BERLIN</b>	State <b>NY</b>	Arrest Date <b>08/09/2014</b>	Arrest Time <b>17:00</b>	Judge <b>BRILLINGER</b>	Court Date <b>08/09/2014</b>	Court Time <b>19:30</b>	Court Location <b>Town Of New Berlin-0959</b>

#### DEFENDANT

Offense Indicator: <b>1,2,3,4</b>	Defendant Code: <b>D</b>	Juvenile <b>NO</b>	Name (First Middle Last +Family) <b>MICHAEL PETER GINCEROWSKI JR</b>				
Family / Maiden Name		Place of Birth <b>BINGHAMTON</b>	Citizenship <b>United States</b>	Occupation <b>LABORER</b>			
Address <b>82 RTE 369</b>		City <b>BINGHAMTON</b>	State <b>Ny</b>	Zip <b>-</b>	Phone <b>( )</b>		
Employer / School		Address	City	State Zip	Business Phone <b>( )</b>		
Social Security Number <b>- -</b>	Res. Type <b>New York</b>	Res. Status <b>Resident</b>	Driver License Number			Person Arrest#	OBTS#
Race <b>White</b>	Ethnicity <b>Non-hispanic</b>	Sex <b>Male</b>	Date of Birth	Age <b>39</b>	Height <b>5'5</b>	Weight <b>140</b>	Build <b>Medium</b>
Hair Color <b>Brown</b>	Hair Length <b>Short</b>	Hair Style <b>Straight</b>	Facial Hair <b>Goatee</b>	Eye Color <b>Brown</b>	Complexion <b>Fair</b>		

#### OFFENSE(S) / CHARGE(S)

Offense <b>1</b>	Offense Type <b>Felony</b>	Description: <b>DWI: PREVIOUS CONVICTION OF DESIGNATED OFFENSE WITHIN 10 YEA</b>	Counts <b>1</b>	
Offense Status <b>Committed</b>	Statute Violation Number <b>1192(03)</b>	Forced Entry?	Occupancy	Type Weapon
Situation Type <b>Single Victim/single Offender</b>		Crime Category <b>Other Crime</b>		

#### OFFENSE(S) / CHARGE(S)

Offense <b>2</b>	Offense Type <b>Infraction</b>	Description: <b>OPERATOR LEAVES SCENE OF PROPERTY DAMAGE ACCIDENT</b>	Counts <b>1</b>	
Offense Status <b>Committed</b>	Statute Violation Number <b>0600(01A)</b>	Forced Entry?	Occupancy	Type Weapon
Situation Type <b>Single Victim/single Offender</b>		Crime Category		

#### OFFENSE(S) / CHARGE(S)

Offense <b>3</b>	Offense Type <b>Infraction</b>	Description: <b>DRINKING ALCOHOL IN MOTOR VEHICLE ON HIGHWAY</b>	Counts <b>1</b>	
Offense Status <b>Committed</b>	Statute Violation Number <b>1227(01)</b>	Forced Entry?	Occupancy	Type Weapon
Situation Type <b>Single Victim/single Offender</b>		Crime Category		

#### ADMINISTRATIVE

Report Contains	Sworn to and subscribed before me this 25th day of June, 2019.				
Related Report Number(s)	I swear/affirm the above statements are correct and true.				
Officer Reviewing (if Applicable) <b>COBB, RICHARD M.</b>	ID. Number <b>9803</b>	Approved Date <b>10/14/2014</b>			
# Offenses <b>4</b>	# Victims <b>1</b>	# Offenders <b>1</b>	# Premises Ent. <b>0</b>	# Vehicles Stolen <b>0</b>	# Arrested <b>1</b>
Routed To <b>None</b>			OFFICER'S SIGNATURE <b>EILLINGSEN, C TED</b>		
Referred To			SUPERVISOR'S SIGNATURE <b>ID. Number 9804</b>		
Unit <b>108</b>	Date <b>08/10/2014</b>	Date Cleared <b>08/09/2014</b>	ID. Off. Number 2		

Agency ORI # <b>NY0080000</b>	<b>Chenango County Sheriff's Office 279 COUNTY RD 46 , NORWICH, NY, 13815</b>	AGENCY REPORT NUMBER <b>2014-002003</b> COURT DOCKET NUMBER
Phone <b>(607) 3342000</b>	<b>COMPLAINT ARREST AFFIDAVIT</b>	
		Juvenile <input type="checkbox"/>

Agency ORI Number: <b>NY0080000</b>	Agency Name: <b>CHENANGO COUNTY SHERIFF'S OFFICE</b>	Agency Report Number <b>2014-002003</b>						
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#### OFFENSE(S) / CHARGE(S)

Offense <b>4</b>	Offense Type <b>Infraction</b>	Description: <b>REFUSAL TO TAKE BREATH TEST</b>	Counts <b>1</b>	
Offense Status <b>Committed</b>	Statute Violation Number <b>1194(01B)</b>	Forced Entry?	Occupancy	Type Weapon
Situation Type <b>Single Victim/single Offender</b>			Crime Category	

#### ADMINISTRATIVE

Report Contains	Sworn to and subscribed before me this 26th day of June, 2019. I swear/affirm the above statements are correct and true.				
Related Report Number(s)					
Officer Reviewing (if Applicable) <b>COBB, RICHARD M.</b>	ID. Number <b>9803</b>	Approved Date <b>10/14/2014</b>			
# Offenses <b>4</b>	# Victims <b>1</b>	# Offenders <b>1</b>	# Premises Ent. <b>0</b>	# Vehicles Stolen <b>0</b>	# Arrested <b>1</b>
Routed To <b>None</b>				OFFICER'S SIGNATURE <b>EJUNGSSEN, C TED</b>	SUPERVISOR'S SIGNATURE <b>ID. Number 9804</b>
Referred To	Unit <b>108</b>	Date <b>08/10/2014</b>	Date Cleared <b>08/09/2014</b>		ID. Off. Number <b>2</b>

# COMPLAINT ARREST AFFIDAVIT - VEHICLE

Juvenile  1. Original  
 2. Supplement

Agency ORI Number <b>NY0080000</b>	Agency Name <b>CHENANGO COUNTY SHERIFF'S OFFICE</b>	Agency Report Number <b>2014-002003</b>
Original Date Reported	Incident Type <b>Driving While Intoxicated-alcohol</b>	

<b>VEHICLE / VESSEL</b>								
Person Code # <b>Df1,V1</b>	Veh. # <b>1</b>	Vehicle Classification <b>DAMAGED/DESTROYED</b>	Type <b>AUTO</b>					
Vehicle Use <b>PUBLIC TRANSPORTATION</b>		Vehicle Style <b>4 Dr Hardtop</b>					Tag Reg. / Doc. # <b>[REDACTED]</b>	
Year <b>2000</b>	Make <b>HOND</b>	Model	Tag Expire <b>2016</b>	Tag State <b>NY</b>	Decal Number	Tag Type <b>Passenger Car</b>		
VIN / Hull / FAA	Estimated Value	Damage <b>Functional</b>					Trailer Type	
Hazardous Materials <input type="checkbox"/>	Hazard Placarded <input type="checkbox"/>	Condition: Windows Closed? Locked? <b>NO NO NO</b>	Keys in Ignition?	Insurance Company				
Insurance Policy #	Lien Holder	Insurance summary						
Color: Top <b>Gray</b>	Bottom <b>Gray</b>	Description(Identifying Characteristics, Noticable Damage, Interior Color, etc.) <b>DAMAGE TO PASSENGER SIDE OF VEHICLE</b>						
Vessel Name		Length	Hull Material	Propulsion	Boat Type			
Recovery Address / Geographic Indicator						Date Recovered	Value Recovered	
Recovery Loc.	Recovery Code	Original Reporting Agency	Report Number	Hold(Yes/No) <b>NO</b>	Reason / Authority			
Method of Theft	Components Stripped: N/A	Tires/Wheels VIN Plate	Battery Radio/CB	Transmission Interior	Major Body Parts Engine Parts	Other/ Specify: Tag/Decal/Stolen		
Towed By	Storage Location			NCIC	Entered By			
Description								
<b>ADMINISTRATIVE</b>								
Report Contains				Related Report Number(s)				
Officer(s) Reporting <b>ELLINGSEN, C TED</b>	ID. Number <b>9804</b>	Name		ID. Number	Unit <b>108</b>	Date <b>08/10/2014</b>		
Officer Reviewing (if Applicable) <b>COBB, RICHARD M.</b>	ID. Number <b>9803</b>	Approved Date <b>10/14/2014</b>	# Offenses <b>4</b>	# Victims <b>1</b>	# Offenders <b>1</b>	# Premises Ent. <b>0</b>	# Vehicles Stolen <b>0</b>	# Arrested <b>1</b>

# COMPLAINT ARREST AFFIDAVIT - NARRATIVE CONTINUATION

Juvenile

Agency ORI Number <b>NY0080000</b>	Agency Name <b>CHENANGO COUNTY SHERIFF'S OFFICE</b>	Agency Report Number <b>2014-002003</b>
Original Date Reported <b>08/09/2014</b>	Incident Type <b>Driving While Intoxicated</b>	

## NARRATIVE CONTINUATION

On Saturday August 9th 2014 at approximately 1617 hours, dispatch received a call from [REDACTED] of [REDACTED] in Burke PA, who stated she witnessed a motor vehicle accident at the Unadilla Racetrack, where a gray vehicle with New York registration GPR6493, struck 2 vehicles before leaving the scene of the accident. Young stated the operator was intoxicated.

While I was in route to the accident scene, dispatch ran the plate of the vehicle involved in the motor vehicle accident. The plate came back to a 2000 Honda color gray registered to Michael Gincerowski of Binghamton, NY. New Berlin Police Department Officer in Charge, Andrew Wheatley, stated he was on State Hwy 8 in the Town of New Berlin and would attempt to locate the 2000 Honda.

At approximately 1645 hours, OIC Wheatley stated he was behind the gray Honda southbound on State Hwy 8 in the Town of New Berlin. OIC Wheatley stated he pulled the vehicle over after he confirmed the vehicle in front of him had a New York registration of GPR6493. At approximately 1650 hours, I arrived at the location of the vehicle stop and interviewed the operator of the vehicle, identified as Michael Gincerowski of 82 Rte 369 in Binghamton, NY.

Upon initial contact with Michael, I observed Michael had the strong odor of an alcoholic beverage on his breath, blood shot eyes and impaired motor coordination as Michael was swaying from side to side. Upon speaking to Michael, I noticed Michael had impaired speech as Michael was slurring his words as he spoke to me. Michael asked why he was being stopped and I advised Michael he was stopped due to his involvement in a leaving the scene of a motor vehicle accident and a witness obtained his license plate. Michael stated he did strike a vehicle in the parking lot of the Unadilla Racetrack or on the shoulder of State Hwy 8, but Michael states he gave the operator of the other vehicle his insurance information. Michael was unable to provide the information of the other vehicle involved, stating he must have lost the paperwork. I asked Michael to retrieve his drivers license and insurance card from the vehicle and again observed Michael with impaired motor coordination as Michael used the drivers side of his vehicle to steady himself and Michael shuffled his feet as he walked. I observed damage to the front passenger side quarter panel of his vehicle, which appeared fresh. I asked Michael how the damage to his vehicle happened. Michael stated from the accident at the racetrack.

I asked Michael how many alcoholic beverages he had consumed today. Michael stated 5 - 12 ounce Coors Light beers over the course of 5 hours. I asked Michael if

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Officer Reviewing (If Applicable) <b>COBB, RICHARD M</b>	ID. Number <b>9803</b>	Approved Date <b>10/14/2014</b>	# Offenses <b>4</b>	# Victims <b>1</b>	# Offenders <b>1</b>	# Premises Ent <b>0</b>	# Vehicles Stolen # Arrested <b>0 1</b>
Routed To <b>NONE</b>	Referred To						
Assigned To	Assigned By						
Case Status <b>ARRESTED ADULT</b>	Exception Type						
	Date Cleared <b>08/09/2014</b>						

# COMPLAINT ARREST AFFIDAVIT - NARRATIVE CONTINUATION

Juvenile

Agency ORI Number <b>NY0080000</b>	Agency Name <b>CHENANGO COUNTY SHERIFF'S OFFICE</b>	Agency Report Number <b>2014-002003</b>
Original Date Reported <b>08/09/2014</b>	Incident Type <b>Driving While Intoxicated</b>	

## NARRATIVE CONTINUATION

he would submit to field sobriety tests to determine his intoxication level. Michael was hesitant at first, but then agreed, stating every time he has taken field sobriety tests, it has resulted in his arrest for driving while intoxicated. I asked Michael how many times he has been arrested for driving while intoxicated. Michael stated a number of times and one time the arrest was a felony. I asked Michael if he had any medical conditions or physical limitations that would prohibit Michael from taking the tests. Michael stated no.

The first test administered was Horizontal Gaze Nystagmus. Michael failed this test by exhibiting 6 clues, lack of smooth pursuit, maximum deviation and Nystagmus prior to 45 degree.

I asked Michael to perform the One Leg Stand. Michael refused to perform the test, stating "I'm fucked, because this is a felony". I asked Michael what that statement meant. Michael stated " I'm drunk and I would just be wasting your time, just arrest me".

I asked Michael if he was willing to perform other field sobriety tests or submit to a breath screening device. Michael refused to perform any other tests and refused the breath screening device.

At approximately 1700 hours, I placed Michael under arrest for driving while intoxicated and read Michael is Miranda and Chemical test warnings. When asked if he would submit to a chemical test of his breath for alcohol, Michael stated "No".

At approximately 1745 hours while en route back to the station on Hale St in the City of Norwich, I read Michael is Chemical test warning again. Michael refused a second time and stated "If I had a designated driver, I would not have drove in my condition".

Once back at the station at approximately 1820 hours, I read Michael is Chemical warnings a third time. For a third time, Michael refused to take a chemical test by stating, "No, its not going to matter".

Michael was arraigned in the Town of New Berlin court for Felony driving while intoxicated, refusal to submit to breath screening device, open container in motor vehicle and leaving the scene of a motor vehicle accident.

Michael was remanded to the Chenango County Correctional facility on 1,000 cash

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Routed To <b>NONE</b>	Referred To							
Assigned To	Asigned By							Date
Case Status <b>ARRESTED ADULT</b>	Exception Type						Date Cleared <b>08/09/2014</b>	

# COMPLAINT ARREST AFFIDAVIT - NARRATIVE CONTINUATION

Juvenile

Agency ORI Number <b>NY0080000</b>	Agency Name <b>CHENANGO COUNTY SHERIFF'S OFFICE</b>	Agency Report Number <b>2014-002003</b>
Original Date Reported <b>08/09/2014</b>	Incident Type <b>Driving While Intoxicated</b>	

## NARRATIVE CONTINUATION

bail and is to re-appear in the Town of New Berlin court on August 13th at 1400 hours

On Sunday August 10th 2014 at approximately 0945 hours, I spoke to [REDACTED] via land line, who stated she was at the Unadilla motorcross races with her boyfriend when a gray Honda almost hit her vehicle and then struck two vehicles as the gray Honda was leaving the parking lot. [REDACTED] stated the gray Honda stopped, so she approached the driver, later identified as Michael, and asked what he was doing. [REDACTED] stated she believed Michael was intoxicated and she did not see Michael exchange information with the other drivers of the vehicles Michael hit before leaving. [REDACTED] stated she got the plate number of the gray Honda because she felt Michael was intoxicated and might get into another accident in his intoxicated condition and hurt someone.

Closed with arrest.

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Officer Reviewing (If Applicable) <b>COBB, RICHARD M</b>	ID. Number <b>9803</b>	Approved Date <b>10/14/2014</b>	# Offenses <b>4</b>	# Victims <b>1</b>	# Offenders <b>1</b>	# Premises Ent. <b>0</b>
Routed To <b>NONE</b>	Referred To					
Assigned To	Asigned By					
Case Status <b>ARRESTED ADULT</b>	Exception Type					
	Date Cleared <b>08/09/2014</b>					